



**Substitute House Bill No. 7160**

**Public Act No. 07-104**

**AN ACT CONCERNING FUNERALS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 7-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department and complying with the terms of such agreement, who assumes custody of a dead body shall obtain a [burial transit] removal, transit and burial permit from the registrar of the town in which the death occurred or the town in which the embalmer or funeral director maintains a place of business not later than five calendar days after death, and prior to final disposition or removal of the body from the state. The embalmer or funeral director who assumes custody and control of the body and obtains a removal, transit and burial permit from the registrar of the town in which the embalmer or funeral director maintains a place of business shall be obligated to file the death certificate, in accordance with the provisions of section 7-62b, in person, through an electronic registry system or by certified mail, return receipt requested. The burial permit shall specify the place of burial or other place of interment and state that the death certificate and any other certificate required by law have been returned and

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recorded. Such registrar shall appoint suitable persons as subregistrars, who shall be authorized to issue a [burial transit] removal, transit and burial permit for any death that occurs in the registrar's town, based upon receipt of a completed death certificate as provided in section 7-62b, during the hours in which the registrar of vital records is closed. All such certificates upon which a permit is issued shall be forwarded to the registrar [within] not later than seven days after receiving such certificates. The appointment of subregistrars shall be made in writing, with the approval of the selectmen of such town, and shall be made with reference to locality, to best accommodate the inhabitants of the town. Such subregistrars shall be sworn, and their term of office shall not extend beyond the term of office of the appointing registrar. The names of such subregistrars shall be reported to the Department of Public Health. The Chief Medical Examiner, Deputy Chief Medical Examiner and associate medical examiners shall be considered subregistrars of any town in which death occurs for the purpose of issuing [burial permits and] removal, transit and burial permits. The fee for such removal, transit and burial permit [and burial transit removal permit] shall be paid to the town [in which the death occurred] issuing the removal, transit and burial permit.

Sec. 2. Section 7-66 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The sexton of a cemetery shall specify on the burial permit the place of burial, by section, lot or grave, or other place of interment. No additional burial or [burial transit] removal, transit and burial permit shall be required for a body that is placed temporarily in a receiving vault of any cemetery and subsequently buried in the same cemetery. In each case herein provided for, the sexton of such cemetery shall endorse upon the burial permit the date when the body was placed in the temporary receiving vault, and the date when and the place where

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such body was subsequently buried. The sexton shall also include a statement of the same in the monthly returns to the registrar of vital statistics. The sexton shall send a copy of the endorsed removal, transit and burial permit, or the permit for final disposition if the death occurred in another state, to the registrar of vital statistics who filed the death certificate for the body for which said removal, transit and burial permit was issued. If such subsequent burial is to be in any cemetery other than the cemetery where the body was temporarily deposited or if the body is to be cremated, the sexton shall return the burial permit to the issuing registrar, who shall thereupon issue the necessary permits. Any person who violates any provision of this section shall be fined not more than five hundred dollars or imprisoned not more than five years.

Sec. 3. Section 7-69 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

No person except a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department and complying with the terms of such agreement, shall remove the body of a deceased person, except that once the body of a deceased person has been embalmed or prepared in accordance with the Public Health Code and applicable provisions of the general statutes, a licensed embalmer or funeral director may authorize an unlicensed employee to transport such body. No person except a licensed embalmer or funeral director licensed by the department, or licensed in a state having a reciprocal agreement on file with the department, shall remove the body of any deceased person from this state to another state until a [burial transit] removal, transit and burial permit has been issued in accordance with section 7-65. No [burial transit] removal, transit and burial permit shall be issued unless the death certificate has been signed by a licensed embalmer or funeral director licensed by the department, or licensed in a state having a

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reciprocal agreement on file with the department and complying with the terms of such agreement. In the case of a deceased person who, at the time of death, had a communicable disease specified by the Public Health Code, the permit shall certify that the body was prepared in accordance with the regulations of the Public Health Code. Such permit shall be sufficient to permit the burial of such deceased person in any town in this state other than the town in which such person died, without a burial permit from the registrar of the town where such person is to be buried. If the body of a deceased person is brought into the state for burial or cremation and is accompanied by a [burial transit] removal, transit and burial permit, or a permit for final disposition indicating the manner and place of final disposition of the body, issued by the legally constituted authorities of the state from which such body was brought, such permit shall be received as sufficient authority for burial or cremation; except that, if such body is not accompanied by such permit, the person or persons in charge of such body shall apply for a burial permit to the registrar of vital statistics of the town in which such body is to be buried, and such registrar shall issue such permit when furnished with such information as to the identity of the deceased person and the cause of death as is required by section 7-62b concerning a person dying in this state. Any person who violates any provision of this section, or who knowingly signs a false permit or knowingly allows a false permit to be used in lieu of a permit required by this section, shall be fined not more than five hundred dollars or imprisoned not more than six months, or both.

Sec. 4. Subsection (a) of section 7-73 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) To any person performing the duties required by the provisions of the general statutes relating to registration of marriages, deaths and fetal deaths, the following fees shall be allowed: (1) For the license to

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marry, ten dollars; and (2) for issuing each burial or [burial transit] removal, transit and burial permit, three dollars.

Sec. 5. Section 19a-91 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Wash" means to bathe or treat the entire surface of a dead human body with a disinfecting and deodorizing solution or to treat the entire surface of the dead human body with embalming powder.

(2) "Embalm" means to inject the circulatory system of a dead human body with embalming fluid in an amount not less than five per cent of the body weight, or to inject the body cavity of a dead human body with embalming fluid in an amount necessary to properly preserve the body and render it sanitary.

(3) "Wrap" means to place a dead human body in a burial or cremation pouch made of not less than four millimeters of plastic.

(4) "Embalming fluid" means a fluid containing not less than four per cent formaldehyde gas by weight.

(5) "Disinfecting solution" means an aqueous solution or spray containing not less than five per cent phenol by weight.

(b) No licensed embalmer or funeral director shall remove a dead human body from the place of death to another location for preparation until the body has been temporarily wrapped. If the body is to be transported by common carrier, the licensed embalmer or funeral director having charge of the body shall have the body washed or embalmed and then enclosed in a casket and outside box or, in lieu of such double container, by being wrapped.

(c) In addition to the requirements set forth in subsection (b) of this

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section, in the case of death resulting from a disease on the current list of reportable diseases developed pursuant to section 19a-36-A2 of the regulations of Connecticut state agencies, the licensed embalmer or funeral director having charge of the dead human body shall prepare such body for burial or cremation by having the body washed, embalmed or wrapped as soon as practicable after the body arrives at the licensed embalmer's or licensed funeral director's place of business. The provisions of this subsection do not apply if death is not the result of a disease on the current list of reportable diseases developed pursuant to section 19a-36-A2 of the regulations of Connecticut state agencies, provided the licensed embalmer or funeral director having charge of the body takes appropriate measures to ensure that the body does not pose a threat to the public health.

(d) A licensed embalmer or funeral director shall dispose of any burial or cremation pouch used to wrap a dead human body after each use or clean and wash such pouch with a disinfecting solution after each use. No licensed embalmer or funeral director may use a solution for disinfecting that does not meet the standard specified in the definition under subdivision (5) of subsection (a) of this section unless such solution is approved, in writing, by the Department of Public Health.

(e) The Department of Public Health may adopt such regulations, in accordance with chapter 54, concerning the preparation and transportation of the bodies of deceased persons to be removed from or into the limits of any town or into any adjoining state, as the public health and welfare may require. Such regulations shall be signed by the Commissioner of Public Health, and a copy thereof shall be mailed to each town clerk, licensed embalmer and funeral director at least fifteen days before such regulations take effect. Any person who violates any regulation of the department adopted pursuant to the provisions of this section shall be fined not more than fifty dollars.

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Sec. 6. Section 19a-270 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The first selectman of any town, the mayor of any city, the administrative head of any state correctional institution or the superintendent or person in charge of any almshouse, asylum, hospital, morgue or other public institution which is supported, in whole or in part, at public expense, having in his or her possession or control the dead body of any person which, if not claimed as [hereinafter] provided in this section, would have to be buried at public expense, or at the expense of any such institution, shall, immediately upon the death of such person, notify [his] such person's relatives thereof, if known, and, if such relatives are not known, shall notify the person or persons bringing or committing [him] such person to such institution. Such official shall, within twenty-four hours from the time such body came into his or her possession or control, give notice thereof to the Department of Public Health and shall deliver such body to The University of Connecticut, the Yale University School of Medicine or the University of Bridgeport College of Chiropractic or its successor institution, as said department may direct and in accordance with an agreement to be made among said universities in such manner as is directed by said department and at the expense of the university receiving the body, if The University of Connecticut, Yale University, or the University of Bridgeport College of Chiropractic or its successor institution, at any time within one year, has given notice to any of such officials that such bodies would be needed for the purposes specified in section 19a-270b; provided any such body shall not have been claimed by a relative, either by blood or marriage, or a legal representative of such deceased person prior to delivery to any of said universities. The university receiving such body shall not embalm such body for a period of at least forty-eight hours after death, and any relative, either by blood or marriage, or a legal representative of such deceased person may claim such body during

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said period. If any such body is not disposed of in either manner [herein] specified in this section, it may be cremated or buried. When any person has in his or her possession or control the dead body of any person which would have to be buried at public expense or at the expense of any such institution, he or she shall, within forty-eight hours after such body has come into his or her possession or control, file, with the registrar of the town within which such death occurred, a certificate of death as provided in section 7-62b, unless such certificate has been filed by a funeral director. Before any such body is removed to any of said universities, the official or person contemplating such removal shall secure a [burial transit] removal, transit and burial permit which shall be delivered with the body to the official in charge of such university, who shall make return of such [burial transit] removal, transit and burial permit in the manner provided in section 7-72.

Sec. 7. Section 19a-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

The body of any deceased person may be disposed of by incineration or cremation in this state or may be removed from the state for such purpose. If death occurred in this state, the death certificate required by law shall be filed with the registrar of vital statistics for the town in which such person died, if known, or, if not known, for the town in which the body was found. The Chief Medical Examiner, Deputy Chief Medical Examiner, associate medical examiner, or an authorized assistant medical examiner shall complete the cremation certificate, stating that such medical examiner has made inquiry into the cause and manner of death and is of the opinion that no further examination or judicial inquiry is necessary. The cremation certificate or, if the death occurred in another state, the permit for final disposition issued by the legally constituted authorities of the state from which such body was brought and indicating cremation for the



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body shall be submitted to the registrar of vital statistics of the town in which such person died, if known, or, if not known, of the town in which the body was found, or with the registrar of vital statistics of the town in which the funeral director having charge of the body is located. Upon receipt of the cremation certificate, the registrar shall authorize the cremation certificate, keep it on permanent record, and issue a cremation permit, except that if the cremation certificate is submitted to the registrar of the town where the funeral director is located, such certificate shall be forwarded to the registrar of the town where the person died to be kept on permanent record. The estate of the deceased person, if any, shall pay the sum of forty dollars for the issuance of the cremation certificate or an amount equivalent to the compensation then being paid by the state to authorized assistant medical examiners, if greater. No cremation certificate shall be required (1) for a permit to cremate the remains of bodies pursuant to section 19a-270a, or (2) when the death occurred in another state and a permit for final disposition has been issued by the legally constituted authorities of the state from which such body was brought. When the cremation certificate is submitted to a town other than that where the person died, the registrar of vital statistics for such other town shall ascertain from the original [burial transit] removal, transit and burial permit that the certificates required by the state statutes have been received and recorded, that the body has been prepared in accordance with the Public Health Code and that the entry regarding the place of disposal is correct. Whenever the registrar finds that the place of disposal is incorrect, the registrar shall issue a corrected [burial transit] removal, transit and burial permit and, after inscribing and recording the original permit in the manner prescribed for sextons' reports under section 7-72, shall then immediately give written notice to the registrar for the town where the death occurred of the change in place of disposal stating the name and place of the crematory and the date of cremation. Such written notice shall be sufficient authorization to correct these items on the original certificate of death. No body shall be

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cremated until at least forty-eight hours after death, unless such death was the result of communicable disease, and no body shall be received by any crematory unless accompanied by the permit provided for in this section. The fee for a cremation permit shall be three dollars and for the written notice one dollar. The Department of Public Health shall provide forms for cremation permits, which shall not be the same as for regular burial permits and shall include space to record information about the intended manner of disposition of the cremated remains, and such blanks and books as may be required by the registrars.

Sec. 8. Section 20-219a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) As used in this section: (1) "Licensee" means a funeral director or embalmer licensed pursuant to this chapter; and (2) "department" means the Department of Public Health; and (3) "registration period" means the twelve-month period that commences on the date of renewal of the licensee's license, as provided in section 19a-88, and is current and valid.

(b) Each licensee shall complete a minimum of six hours of continuing education during each registration period, two of which shall be in the area of federal and state laws regarding the provision of funeral services, including applicable Federal Trade Commission regulations. Each licensee shall complete his or her initial continuing education in the area of federal and state laws regarding the provision of funeral services not later than twelve months after the licensee first applies for license renewal after July 1, 2007. The remaining four hours of continuing education shall be in areas related to the licensee's practice, including, but not limited to, bereavement care, business management and administration, religious customs and traditions related to funerals, cremation services, cemetery services, natural sciences, preneed services, restorative arts and embalming, [federal

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and state laws governing funeral services,] counseling, funeral service merchandising, sanitation and infection control, organ donation or hospice care. The continuing education shall consist of courses offered or approved by the Academy of Professional Funeral Service Practice, educational offerings sponsored by a hospital or other licensed health care institution or courses offered by a regionally accredited institution of higher education.

(c) Each licensee shall obtain a certificate of completion from the provider of the continuing education for all continuing education hours that are successfully completed and shall retain a copy of such certificate for a minimum of three years following the license renewal date for which the activity satisfies the continuing education requirement. Each funeral home and licensee shall maintain a copy of such certificate for each licensee employed by the funeral home. Upon request by the department, the licensee or funeral home shall submit the certificate to the department.

(d) A licensee who fails to comply with the provisions of this section shall be subject to disciplinary action pursuant to section 20-227.

(e) The continuing education requirements shall be waived for licensees applying for license renewal for the first time. The department may, for a licensee who has a medical disability or illness, grant a waiver of the continuing education requirements for a specific period of time or may grant the licensee an extension of time in which to fulfill the requirements.

Approved June 11, 2007